

**SIXTY-FOURTH LEGISLATIVE DAY
MONDAY, MARCH 14, 2005**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Representative Smith(30).

The Pledge of Allegiance was led by Jennifer Dettori, Page.

Approval of Journal

March 14, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-first Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Phil Hart, State Representative, District 3, House Seat B, Kootenai County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Tina Jacobson, of Rathdrum, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Tina Jacobson, Acting State Representative, District 3, House Seat B, Kootenai County, State of Idaho, for a term commencing on Monday, March 14, 2005, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 14th day of March in the year of our Lord two thousand and five, and of the Independence of the United States of America, the two hundred and twenty-ninth year.

/s/ DIRK A. KEMPTHORNE
Governor
/s/ BEN YSURSA

Secretary of State

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Ms. Jacobson.

March 11, 2005

Mr. Speaker:

I transmit herewith enrolled **S 1002, S 1005, S 1006, S 1007, S 1013, S 1014, S 1015, S 1016, S 1023, S 1050, S 1059, S 1066, S 1083, S 1090, S 1091, S 1110, S 1141, SJM 102, SJM 103, SJM 104, SJM 105, SCR 107, and SCR 112** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1002, S 1005, S 1006, S 1007, S 1013, S 1014, S 1015, S 1016, S 1023, S 1050, S 1059, S 1066, S 1083, S 1090, S 1091, S 1110, S 1141, SJM 102, SJM 103, SJM 104, SJM 105, SCR 107, and SCR 112** and, when so signed, ordered them returned to the Senate.

March 11, 2005

Mr. Speaker:

I return herewith enrolled **H 113, H 146, and H 147** which have been signed by the President.

WOOD, Secretary

Enrolled **H 113, H 146, and H 147** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 11, 2005

Mr. Speaker:

I transmit herewith **SCR 114, SCR 115, S 1181, and S 1185** which have passed the Senate.

WOOD, Secretary

SCR 114, SCR 115, S 1181, and S 1185 were filed for first reading.

March 11, 2005

Mr. Speaker:

I return herewith **H 278, H 125, H 120, H 89, H 90, H 136, H 141, H 235, H 144, H 181, H 111, H 112, H 114, H 115, H 116, H 117, H 118, and H 119** which have passed the Senate.

WOOD, Secretary

H 278, H 125, H 120, H 89, H 90, H 136, H 141, H 235, H 144, H 181, H 111, H 112, H 114, H 115, H 116, H 117, H 118, and H 119 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 14, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 320**, **H 321**, **H 322**, **H 323**, and **H 324**.

FIELD(18), Chairman

H 320 was referred to the Ways and Means Committee.

H 321 and **H 324** were referred to the Health and Welfare Committee.

H 322 was referred to the Transportation and Defense Committee.

H 323 was referred to the Revenue and Taxation Committee.

HCR 20 and **H 315**, held at the Desk March 11, 2005, were referred to the Education Committee.

March 14, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 15**, **H 102**, and **H 190**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HCR 15**, **H 102**, and **H 190**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 14, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 50**, as amended in the Senate, and **H 122**, as amended in the Senate.

FIELD(18), Chairman

H 50, as amended in the Senate, and **H 122**, as amended in the Senate, were filed for first reading of engrossed bills.

March 14, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 262**, **H 45**, **H 41**, **H 121**, **H 62**, **H 34**, **H 170**, **H 78**, **H 79**, **H 80**, **H 81**, **H 82**, **H 131**, and **H 176** to the Governor at 12:42 p.m., as of this date, March 11, 2005.

FIELD(18), Chairman

March 14, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 11** to the Secretary of State at 2:07 p.m., as of this date, March 11, 2005.

FIELD(18), Chairman

March 11, 2005

Mr. Speaker:

We, your COMMITTEE ON WAYS AND MEANS, report

that we have had under consideration **S 1140** and recommend it be referred to the Health and Welfare Committee.

CLARK, Chairman

S 1140 was referred to the Health and Welfare Committee.

March 11, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1120**, **S 1153**, **S 1062**, as amended, and **S 1063**, as amended, and recommend that they do pass.

FIELD(18), Chairman

S 1120, **S 1153**, **S 1062**, as amended, and **S 1063**, as amended, were filed for second reading.

March 14, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 215**, **H 253**, and **H 277** and recommend that they do pass.

CROW, Chairman

H 215, **H 253**, and **H 277** were filed for second reading.

March 14, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 269**, **H 300**, and **SCR 113** and recommend that they do pass.

DEAL, Chairman

H 269, **H 300**, and **SCR 113** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 8 BY REVENUE AND TAXATION COMMITTEE A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Idaho has abundant supplies of agricultural residues and the Legislature would like to signal that this industry is welcome in the state of Idaho; and

WHEREAS, there is a high probability that Idaho will be the site of the first commercial cellulose ethanol production in the

United States; and

WHEREAS, the national blending bias would favor a locally produced product and support rural farmers in this state; and

WHEREAS, a national blending bias would create another option for the petroleum industry; and

WHEREAS, both cellulose and corn ethanol offer the same benefits for local air quality when blended with gasoline; and

WHEREAS, this national blending bias reflects the improved carbon dioxide reduction qualities of the production of cellulose ethanol over the production of corn based ethanol; and

WHEREAS, supporting breakthroughs such as cellulose ethanol technology could help the United States to minimize its dependence on foreign oil; and

WHEREAS, it is appropriate that the Idaho Legislature endorse the language presented in the Congress of the United States regarding a blending bias for ethanol derived from agricultural byproducts (biomass), specifically the language contained in Section 1501 of Senate Bill 2095, dated February 12, 2004:

"(5) Equivalency--For the purpose of paragraph (2), 1 gallon of either cellulosic biomass ethanol or waste derived ethanol--

(A) shall be considered to be the equivalent of 1.5 gallon of renewable fuel; or

(B) if the cellulosic biomass ethanol or waste derived ethanol is derived from agricultural residue or is an agricultural byproduct (as that term is used in section 919 of the Energy Policy Act of 2003), shall be considered to be the equivalent of 2.5 gallons of renewable fuel."

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we request that the Congress of the United States include the language from the 2004 Senate Bill, cited herein, for future consideration in any proposed Energy Bill or other legislation that could further this cause.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HOUSE JOINT MEMORIAL NO. 9
BY STATE AFFAIRS COMMITTEE
A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES AND TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF ENERGY, SAMUEL W. BODMAN.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Power Marketing Administrations (PMAs) market electricity generated primarily by federal hydropower projects in thirty-three states served by the 1,190 consumer-owned electric utilities giving preference to public bodies and cooperatives; and

WHEREAS, Bonneville Power Administration provides a substantial amount of the electric power consumed in Idaho, including the sale of firm and surplus electric power to Idaho's investor-owned utilities and directs wholesale power to 26 rural electric cooperatives and municipalities in Idaho serving over 250,000 Idaho citizens; and

WHEREAS, the Administrations's budget proposes to sell electric power from PMAs at market rates rather than the current practice of selling at cost-based rates; and

WHEREAS, the Pacific Northwest region has experienced a nearly fifty percent increase in wholesale power rates since the energy crisis of 2001-2002; and

WHEREAS, the current federal power program of cost-based rates ensures that all federal costs, with interest, from the generation, transmission and sale of federal power are recovered from purchasers through the rates charged; and

WHEREAS, the proposal contains a projected rate increase of twenty percent each year until it totals a one hundred percent increase, which is an escalation of significant magnitude and will severely harm the region's businesses and industries, as well as all the residents of the region; and

WHEREAS, the budget proposal constitutes a thinly disguised tax on the millions of Americans who purchase power through utilities supplied by PMAs; and

WHEREAS, recognizing the true costs of this proposal and assessing the economic impacts it entails, we find that the proposal is not a prudent choice and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress to reject the Administration proposal to move PMA rates to market rates thereby ensuring the continued responsible management of power generation, transmission and sale.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States and to the Secretary of the United States Department of Energy, Samuel W. Bodman.

HOUSE CONCURRENT RESOLUTION NO. 21
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION

PROVIDING LEGISLATIVE FINDINGS AND PROMOTING PUBLIC AWARENESS AND EDUCATION ABOUT THE VALUE OF HEALTHY MARRIAGES TO MEN, WOMEN, CHILDREN AND IDAHO'S COMMUNITIES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the divorce rate in Idaho and nationally has been accelerating; and

WHEREAS, just as the family is the foundation of society, the marital relationship is the foundation of the family and strengthening marriages can only lead to stronger families, children and communities, as well as a stronger economy; and

WHEREAS, an inability to cope with stress from both internal and external sources leads to significantly higher incidences of domestic violence, child abuse, absenteeism, medical costs, learning and social deficiencies and divorce; and

WHEREAS, relationship skills can be learned and, once learned, relationship skills can facilitate communication between parties to a marriage and assist couples in avoiding conflict, and once relationship skills are learned they can be carried into parenting, the workplace, schools, neighborhoods and civic relationships; and

WHEREAS, by reducing conflict and increasing communication, stressors can be diminished and coping can be further enhanced; and

WHEREAS, when effective coping exists, domestic violence, child abuse and divorce and its effect on children, including absenteeism from school, medical costs and learning and social deficiencies are diminished; and

WHEREAS, the state has a compelling interest in educating its citizens with regard to marriage and, if contemplated, the effects of divorce.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we are adopting this resolution to promote public awareness and education about the value of healthy marriages to men, women, children and Idaho's communities, to encourage public programs to reduce the disincentives to marriage in means-tested aid programs and social service programs, to promote the emotional and financial health and well-being of Idaho's children, and to encourage healthy marriage standards when adopting and implementing new public policies to promote the emotional and financial health and well-being of Idaho's children.

HJM 8, HJM 9, and HCR 21 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 114 and SCR 115, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Education Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 325 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO CHILD CUSTODY AND PROTECTION; AMENDING SECTION 6-210, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 6-1903, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 16-1506, IDAHO CODE, TO PROVIDE FOR JURISDICTION FOR ADOPTIONS ARISING FROM CHILD PROTECTIVE ACT CASES, TO MAKE GRAMMATICAL

CHANGES AND TO REVISE A CODE REFERENCE; AMENDING SECTION 16-1513, IDAHO CODE, TO REVISE CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-1602, IDAHO CODE, TO REVISE DEFINITIONS, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1603, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 16-1619, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1620, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE A CODE REFERENCE; AMENDING SECTION 16-1620A, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 16-1612, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REMOVE REFERENCES TO PERSONS APPOINTED BY THE COURT, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1613, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REMOVE REFERENCES TO PERSONS APPOINTED BY THE COURT, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1605, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE THAT THE PROSECUTING ATTORNEY OR THE ATTORNEY GENERAL MAY FILE A PETITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1606, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1607, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1607A, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 16-1618, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1614, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1609, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS APPLICABLE TO INVESTIGATIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1609A, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 16-1609B, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 16-1608, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE REQUIRED FINDINGS, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1620, IDAHO CODE, TO PROVIDE FOR A PERMANENCY PLAN AND HEARING; AMENDING SECTION 16-1610, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE DESCRIPTIVE LANGUAGE, TO SET FORTH PROVISIONS FOR CASE PLAN HEARINGS, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1611, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE CODE

REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1623, IDAHO CODE, TO PROVIDE FOR AMENDED DISPOSITIONS AND REMOVAL DURING PROTECTIVE SUPERVISION; AMENDING SECTION 16-1615, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE CODE REFERENCES AND TO REVISE PROVISIONS APPLICABLE TO THE TERMINATION OF A PARENT-CHILD RELATIONSHIP; AMENDING SECTION 16-1617, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS APPLICABLE TO APPEALS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1621, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 16-1616, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1622, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1623, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1624, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1625, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1630, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1631, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1632, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1633, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 16-1634, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1635, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 16-1636, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1637, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1626, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1627, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 16-1628, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 16-1629, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 16-2001, IDAHO CODE, TO REVISE THE PURPOSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-2002, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-2003, IDAHO CODE, TO PROVIDE FOR EXCLUSIVE JURISDICTION UNDER CERTAIN CIRCUMSTANCES;

AMENDING SECTION 16-2005, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO CONDITIONS UNDER WHICH TERMINATION MAY BE GRANTED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-2007, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO NOTICES AND WAIVERS, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-2010, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING PROTECTIVE SUPERVISION OF A CHILD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-609A, IDAHO CODE, TO REVISE CODE REFERENCES; AMENDING SECTION 39-258, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-259, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-270, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 39-8105, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 357, LAWS OF 2001, TO REDESIGNATE THE SECTION AND TO REVISE CODE REFERENCES; AMENDING SECTION 39-8106, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 357, LAWS OF 2001, TO REDESIGNATE THE SECTION AND TO REVISE A CODE REFERENCE; AMENDING SECTION 54-4407, IDAHO CODE, TO REVISE CODE REFERENCES; AMENDING SECTION 66-317, IDAHO CODE, TO REVISE A CODE REFERENCE; AND AMENDING SECTION 66-324, IDAHO CODE, TO REVISE A CODE REFERENCE.

HOUSE BILL NO. 326
BY WAYS AND MEANS COMMITTEE
 AN ACT

RELATING TO MISDEMEANOR FINES; AMENDING SECTIONS 18-113, 18-902 AND 18-904, IDAHO CODE, TO INCREASE MAXIMUM FINES FOR MISDEMEANORS; AMENDING SECTION 18-2509, IDAHO CODE, TO INCREASE THE MAXIMUM FINE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-2510, IDAHO CODE, TO INCREASE THE MAXIMUM FINE; AMENDING SECTIONS 18-3312, 18-3613 AND 18-4621, IDAHO CODE, TO INCREASE MAXIMUM FINES FOR MISDEMEANORS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-4626, IDAHO CODE, TO INCREASE THE MAXIMUM FINE FOR MISDEMEANORS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-6711A, IDAHO CODE, TO INCREASE THE MAXIMUM FINE FOR MISDEMEANORS; AMENDING SECTION 18-6713, IDAHO CODE, TO INCREASE THE MAXIMUM FINE FOR MISDEMEANORS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-7011, IDAHO CODE, TO INCREASE THE MAXIMUM FINE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTIONS 18-8001, 31-714 AND 50-302, IDAHO CODE, TO INCREASE THE MAXIMUM FINE FOR MISDEMEANORS.

HOUSE BILL NO. 327
BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2005; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 328
BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AMENDING SECTION 1, CHAPTER 207, LAWS OF 2004, TO REVISE THE APPROPRIATION TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2005; AND DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT.

HOUSE BILL NO. 329
BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2005; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 330
BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2005; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 331
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-803, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO SETTING FEES FOR PHYSICIAN SERVICES.

HOUSE BILL NO. 332
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LEGAL NOTICE PUBLICATION REQUIREMENTS; AMENDING SECTION 60-106, IDAHO CODE, TO REVISE PROVISIONS RELATING TO QUALIFICATIONS OF NEWSPAPERS TO PRINT LEGAL NOTICES; TO PROVIDE LEGISLATIVE FINDINGS AND TO PROVIDE FOR A TASK FORCE; AMENDING SECTION 60-106, IDAHO CODE, TO REVISE PROVISIONS RELATING TO QUALIFICATIONS OF NEWSPAPERS TO PRINT LEGAL NOTICES; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

HOUSE BILL NO. 333
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC UTILITY COST REDUCTION BONDS; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 16, TITLE 61, IDAHO

CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR COST REDUCTION ORDERS OF THE PUBLIC UTILITIES COMMISSION, TO LIMIT THE AGGREGATE AMOUNT OF COST REDUCTION FINANCING, TO PROVIDE COST REDUCTION RATES, TO PROVIDE PROCEDURES FOR ISSUANCE OF COST REDUCTION BONDS, TO PROVIDE FOR SECURITY INTERESTS, TO PROVIDE FOR TRANSFERS IN INTEREST, TO PROVIDE FOR SUCCESSORS, TO PROVIDE DISCLAIMER OF STATE FULL FAITH AND CREDIT AND TO PROVIDE SEVERABILITY.

HOUSE BILL NO. 334
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO MENTAL HEALTH COURT FUNDS; AMENDING SECTION 1-1625, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE, TO PROVIDE FOR THE DRUG COURT, MENTAL HEALTH COURT AND FAMILY COURT SERVICES FUND, TO REFERENCE MENTAL HEALTH COURTS, TO DELETE LANGUAGE REFERENCING DRUG COURT TREATMENT AND SUPERVISION AND TO PROVIDE FOR THE USE OF MONEYS; AMENDING SECTION 19-4705, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE PAYMENT, DISPOSITION AND APPORTIONMENT OF FINES AND FORFEITURES; AND AMENDING SECTION 23-217, IDAHO CODE, TO PROVIDE A REFERENCE TO THE DRUG COURT, MENTAL HEALTH COURT AND FAMILY COURT SERVICES FUND.

HOUSE BILL NO. 335
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE STATE LIQUOR DISPENSARY; AMENDING SECTION 23-217, IDAHO CODE, TO INCREASE A SURCHARGE.

HOUSE BILL NO. 336
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE GOVERNOR'S OFFICE OF SPECIES CONSERVATION; AMENDING SECTION 67-818, IDAHO CODE, TO REVISE THE DUTIES OF THE OFFICE AND TO REVISE CRITERIA FOR THE DEVELOPMENT OF CERTAIN STATE POLICY AND MANAGEMENT PLANS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 337
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO PUBLIC WORKS CONTRACTING; AMENDING SECTION 54-1904A, IDAHO CODE, AS AMENDED BY SECTION 26, HOUSE BILL 263, AS ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-EIGHTH IDAHO LEGISLATURE, TO PROVIDE THAT A CONTRACT AWARDING AGENCY SHALL PROVIDE CERTAIN INFORMATION TO THE STATE TAX COMMISSION, TO PROVIDE THAT THE PRIME CONTRACTOR SHALL PROVIDE CERTAIN

INFORMATION WITHIN A SPECIFIED TIME TO THE STATE TAX COMMISSION UPON WRITTEN REQUEST AND TO PROVIDE THAT THE STATE TAX COMMISSION SHALL FORWARD CERTAIN INFORMATION; AND AMENDING SECTION 67-2805, IDAHO CODE, AS ADDED BY SECTION 37, HOUSE BILL 263, AS ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-EIGHTH IDAHO LEGISLATURE, TO PROVIDE THAT CERTAIN BIDS SHALL BE AWARDED TO THE QUALIFIED BIDDER SUBMITTING THE LOWEST RESPONSIVE BID, TO REVISE REQUIREMENTS APPLICABLE TO NOTICES SOLICITING BIDS AND TO REVISE TERMINOLOGY.

H 325, H 326, H 327, H 328, H 329, H 330, H 331, H 332, H 333, H 334, H 335, H 336, and H 337 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1181 and S 1185, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

H 50, as amended in the Senate, by Health and Welfare Committee, was introduced, read the first time by title and filed for second reading.

H 122, as amended in the Senate, by Business Committee, was introduced, read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

H 316, by Appropriations Committee, was read the second time by title and filed for third reading.

S 1084, S 1126, S 1127, and S 1081, by Transportation Committee, were read the second time by title and filed for third reading.

S 1056, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

H 319 and H 306, as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

S 1175, S 1176, S 1177, and S 1178, by Finance Committee, were read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 14, 2005

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 284, S 1122, H 110, H 265, and H 188** and report them back without recommendation, amended as follows:

HOUSE AMENDMENTS TO H 284

AMENDMENT TO SECTION 3

On page 5 of the printed bill, in line 39, delete "lawful".

AMENDMENTS TO SECTION 4

On page 6, in line 10 delete "lawful"; in line 11 delete "con-"; in line 12 delete "sistent with public health and safety"; in line 14 delete "lawful"; and in line 15 delete "which can be made consistent with public health and safety.".

AMENDMENTS TO THE BILL

On page 2, delete lines 39 through 53; delete pages 3 and 4; on page 5, delete lines 1 through 35; and in line 36 delete "SECTION 3" and insert: "SECTION 2".

On page 6, in line 6 delete "SECTION 4" and insert: "SECTION 3"; and in line 40 delete "SECTION 5" and insert: "SECTION 4".

CORRECTION TO TITLE

On page 1, delete lines 5 through 7 and insert: "WATER AREAS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-3603, IDAHO CODE, TO".

HOUSE AMENDMENT TO S 1122

AMENDMENTS TO SECTION 1

On page 2 of the printed bill, in line 17, following "section," insert: "and pursuant to rules adopted as provided in this chapter,"; in line 23, following "notified" insert: ", in accordance with rules adopted as provided in this chapter,"; in line 30, following "pursuant to" insert: "rules adopted as provided in"; and in line 41, following "department" insert: "pursuant to rules adopted as provided in this chapter".

HOUSE AMENDMENT TO H 110

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 14, following "resources," insert: "biomass,"; in line 19, delete "five (5) megawatts" and insert: "twenty-five (25) kilowatts"; and in line 30 following "resources," insert: "biomass,".

On page 2, in line 1, following "resources," insert:

"biomass,"; in line 4, following "resources," insert: "biomass,"; in line 13 delete "five (5)"; and in line 14, delete "megawatts" and insert: "twenty-five (25) kilowatts".

HOUSE AMENDMENT TO H 265

AMENDMENTS TO SECTION 4

On page 4 of the printed bill, in line 45, delete the word "includes" and insert: "means"; on page 5, in line 8, delete "means" and insert: "occurs when"; and also in line 8, delete "implement" and insert: "provide the services required to meet the terms of"; in line 11, delete "and"; in line 12, delete "which facility" and insert: "or"; in line 13, following "who" delete the remainder of the line and insert: "have been admitted in violation of the provisions of section 39-3307, Idaho Code."; and in line 23, following "life" delete "z" and insert: "and"; and also in line 23, delete "and desires".

AMENDMENTS TO SECTION 5

On page 6, in line 29, delete "level of payment," and insert: "level of payment"; and in line 30, following "criteria:" insert: "reimbursement rate to the service provider."; on page 7, in line 10, delete "Payment"; delete lines 11 and 12; in line 13, delete "another location." and insert: "Eligible participants must be allowed to choose the facility or services that are appropriate to meet their medical needs and financial ability to pay."; and in line 14, following "department" insert: "through negotiated rulemaking".

AMENDMENT TO SECTION 6

On page 7, in line 23, following "disabilities" insert: "or dementia".

AMENDMENT TO SECTION 7

On page 7, in line 38, following the word "shall" insert: "z through negotiated rulemaking".

AMENDMENTS TO SECTION 9

On page 8, in line 15, delete "which may or may not be available at the facility"; in line 16, delete "including" and insert: "to include"; and also in line 16, following "benefits" delete the remainder of the line and in line 17, delete "informed decisions" and insert: "where applicable"; and also in line 17, delete "may" and insert: "shall"; and also in line 17, delete "to assure" and insert: "for"; and also in line 17, delete "notice".

AMENDMENTS TO SECTION 11

On page 9, in line 18, following "facility" delete "will" and insert: "with shall"; and also in line 18, following "vendors" delete "will" and insert: "with shall"; in line 19, delete "and they do not exceed the level of care"; and in line 20, delete "licensing" and insert: "z so long as the resident's choice does not violate the provisions of section 39-3307(1), Idaho Code".

AMENDMENT TO SECTION 14

On page 13, in line 6, following "(17)" insert: "Other rights. Each resident shall have any other right established by the department."; and delete lines 38 and 39.

AMENDMENTS TO SECTION 32

On page 19, in line 40, delete "All inspections" and insert: "All inspections"; and in line 41, following "notice" insert: "at the discretion of the department and".

AMENDMENTS TO SECTION 35

On page 21, in line 45, delete "includes" and insert: "means"; on page 22, in line 7, delete "means that" and insert: "occurs when"; and also in line 7, delete "imple-"; in line 8, delete "ment" and insert: "provide the services required to meet the terms of"; in line 11, delete "and which facility" and insert: "or"; in line 12, following "who" delete the remainder of the line; delete line 13, and insert: "have been admitted in violation of the provisions of section 39-3507, Idaho Code."; in line 25, following "life" delete "z" and insert: "and"; and also in line 25, delete "and desires".

AMENDMENT TO SECTION 41

On page 27, delete lines 53 and 54, and insert: "(17) Other rights. Each resident shall have any other right established by the department.".

HOUSE AMENDMENT TO H 188

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 23 through 36 and insert:

"(1) Department employees whose job duties are related to the child protective services system under this chapter shall first be trained as to their obligations under this chapter regarding the protection of children whose health and safety may be endangered. The curriculum shall include information regarding their legal duties, how to conduct their work in conformity with the requirements of this chapter, information regarding applicable federal and state laws with regard to the rights of the child, parent and others who may be under investigation under the child protective services system, and the applicable legal and constitutional parameters within which they are to conduct their work.

(2) Department employees whose job duties are related to the child protective services system shall advise the individual of the complaints or allegations made against the individual at the time of the initial contact, consistent with protecting the identity of the referrant.".

CORRECTION TO TITLE

On page 1, delete lines 2 through 4 and insert: "RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1623, IDAHO CODE, TO PROVIDE REQUIREMENTS GOVERNING DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES WHOSE JOB DUTIES ARE RELATED TO THE CHILD PROTECTIVE SERVICES SYSTEM.".

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

H 284, as amended, **H 110**, as amended, **H 265**, as amended, and **H 188**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

S 1122, as amended in the House, was filed for first reading.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 309 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **H 309** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart(Jacobson), Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- Sali. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 309** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 286 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

Mr. Nonini asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 286**. There being no objection, it was so ordered.

Pursuant to Rule 38(3) Mrs. Garrett disclosed a conflict of interest regarding **H 286**.

Pursuant to Rule 38(3) Mr. Rusche disclosed a conflict of interest regarding **H 286**.

Pursuant to Rule 38(3) Mr. Sali disclosed a conflict of interest regarding **H 286**.

Pursuant to Rule 38(3) Mr. Nielsen disclosed a conflict of interest regarding **H 286**.

The question being, "Shall **H 286** pass?"

Roll call resulted as follows:

AYES -- Bastian, Bilbao, Black, Block, Boe, Cannon, Deal, Field(18), Garrett, Henbest, Jaquet, Jones, Kemp, LeFavour, Martinez, Miller, Mitchell, Pasley-Stuart, Pence, Ring, Ringo, Rusche, Sayler, Shepherd(2), Skippen, Smith(30), Smylie, Snodgrass, Trail, Wood, Mr. Speaker. Total -- 31.

NAYS -- Anderson, Andrus, Barraclough, Barrett, Bayer, Bedke, Bell, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Denney, Edmunson, Ellsworth, Eskridge, Field(23), Hart(Jacobson), Harwood, Henderson, Lake, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Nonini, Raybould, Roberts, Rydalch, Sali, Schaefer, Shepherd(8), Shirley, Smith(24), Stevenson, Wills. Total -- 39.

Total -- 70.

Whereupon the Speaker declared **H 286** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

March 14, 2005

Mr. Speaker:

I return herewith **H 16**, **H 95**, **H 96**, **H 128**, **H 155**, and **H 222** which have passed the Senate.

WOOD, Secretary

H 16, **H 95**, **H 96**, **H 128**, **H 155**, and **H 222** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 14, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 222**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 222**, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Moyle moved that the House recess until 1:15 p.m. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House at recess until 1:15 p.m.

RECESS

Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that **HP 3** retain its place on the Third Reading Calendar until Friday, March 18, 2005. There being no objection, it was so ordered.

HJM 7 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall **HJM 7** be adopted?"

Whereupon the Speaker declared **HJM 7** adopted by voice vote and ordered the memorial transmitted to the Senate.

H 280 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall **H 280** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart(Jacobson), Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Crow, Deal, Smith(30). Total -- 3.
Total -- 70.

Whereupon the Speaker declared **H 280** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 281 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall **H 281** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart(Jacobson), Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Crow, Deal, Smith(30). Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 281** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 138 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

The question being, "Shall **H 138** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart(Jacobson), Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Smith(30). Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 138** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 203, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall **H 203**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Barraclough, Bastian, Bedke, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart(Jacobson), Harwood, Henderson, Jaquet, Jones, Kemp, LeFavour, McGeachin, Miller, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Trail, Wills. Total -- 49.

NAYS -- Andrus, Barrett, Bayer, Bell, Cannon, Clark, Henbest, Lake, Loertscher, Martinez, Mathews, McKague, Mitchell, Moyle, Raybould, Ringo, Roberts, Smith(24), Stevenson, Wood, Mr. Speaker. Total -- 21.

Total -- 70.

Whereupon the Speaker declared **H 203**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 197, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Block to open debate.

The question being, "Shall **H 197**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart(Jacobson), Harwood, Henbest, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Clark, Henderson. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 197**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

March 14, 2005

Mr. Speaker:

I return herewith enrolled **H 222** which has been signed by the President.

WOOD, Secretary

Enrolled **H 222** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 174, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley and Mr. Bolz to open debate.

The question being, "Shall **H 174**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Field(18), Field(23), Garrett, Hart(Jacobson), Harwood, Jones, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pence, Raybould, Ring, Roberts, Rusche, Rydalch, Sali, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 57.

NAYS -- Anderson, Boe, Eskridge, Henbest, Jaquet, LeFavour, Martinez, Pasley-Stuart, Ringo, Sayler, Smith(30). Total -- 11.

Absent and excused -- Clark, Henderson. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 174**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 208, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall **H 208**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett,

Hart(Jacobson), Harwood, Henbest, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Barrett, Sali, Schaefer. Total -- 3.

Absent and excused -- Clark, Henderson, Smith(30). Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 208**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 101, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open debate.

The question being, "Shall **H 101**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bastian, Bayer, Bedke, Bell, Block, Bolz, Bradford, Clark, Crow, Denney, Ellsworth, Eskridge, Garrett, Hart(Jacobson), Harwood, Kemp, Lake, LeFavour, Loertscher, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Roberts, Sali, Schaefer, Shepherd(2), Smith(24), Stevenson, Wills, Wood, Mr. Speaker. Total -- 36.

NAYS -- Anderson, Barraclough, Bilbao, Black, Boe, Cannon, Chadderdon, Collins, Deal, Edmunson, Field(18), Field(23), Henbest, Jaquet, Jones, Martinez, Mathews, Mitchell, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sayler, Shepherd(8), Shirley, Skippen, Smylie, Snodgrass, Trail. Total -- 32.

Absent and excused -- Henderson, Smith(30). Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 101**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 160, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall **H 160**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart(Jacobson), Harwood, Henbest, Jaquet, Jones, Kemp, Lake, LeFavour, Mathews, McGeachin, Miller, Mitchell, Moyle,

Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 61.

NAYS -- Barrett, Martinez, Sali. Total -- 3.

Absent and excused -- Black, Henderson, Loertscher, McKague, Roberts, Smith(30). Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 160**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 247, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

The question being, "Shall **H 247**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bedke, Bell, Bilbao, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart(Jacobson), Henbest, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, McGeachin, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sayler, Shepherd(2), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 55.

NAYS -- Barrett, Bayer, Harwood, Loertscher, Mathews, McKague, Nielsen, Sali, Schaefer, Shepherd(8), Wood. Total -- 11.

Absent and excused -- Black, Henderson, Roberts, Smith(30). Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 247**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House returned to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 338 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING

LEGISLATIVE INTENT WITH REGARD TO CERTAIN TRANSFERS BEING CONTINUOUSLY APPROPRIATED; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF THE RESTRICTED DISASTER STATE HIGHWAY FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR AIRPORT DEVELOPMENT GRANTS; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND; AND DISSOLVING THE HIGHWAY SAFETY FUND.

HOUSE BILL NO. 339
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 340
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR THE HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR THE SEVERAL DESIGNATED PROGRAMS; AND SETTING CONDITIONS FOR REAPPROPRIATION.

HOUSE BILL NO. 341
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT TO CLARIFY THE SCOPE OF THE APPROPRIATION.

HOUSE BILL NO. 342
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

H 338, H 339, H 340, H 341, and H 342 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Tuesday, March 15, 2005. Seconded by Mr. Saylor. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:23 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:
PAMM JUKER, Chief Clerk